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July 20, 2021

BY ECF

Honorable Analisa Torres
United States Magistrate Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Juanita Williams v. City of New York, et al.,
15-CV-02202 (AT) (GWG)

Your Honor:

I am a Senior Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel of the City of New York, and the attorney representing Defendants City of New York, Police Officer Shawn Moynihan, Police Officer Sheila Ramos and Police Officer Elizabeth Allain (hereinafter "Defendants") in the above referenced matter. Defendants write to respectfully request an extension of time to file a letter with the Court, seeking permission to move to dismiss Plaintiff's First Amended Complaint from July 23, 2021 until August 6, 2021 pursuant to FED. R. CIV. P. 12(b)(6). This is the first request for an extension to file a letter seeking to move to dismiss Plaintiff's First Amended Complaint.

In addition, Defendants respectfully request permission to forgo the requirement of filing a pre-motion letter pursuant to Rule III(B)(iii) of the Court's Individual Practices in Civil Cases. Defendants are instead requesting permission to file a letter with the Court representing their intention to proceed with motion practice and proposing a briefing schedule agreed upon in advance by the parties. Defendants make this request in light of the fact that their anticipated motion to dismiss will be based on substantially the same grounds as the motion that was previously filed on November 21, 2016. (Dkt. Nos. 32 – 35 & 39.) Plaintiff's counsel, Luke Phillips, Esq. consents to both of these requests.

By way of background, on July 15, 2021, the Honorable Gabriel W. Gorenstein granted Plaintiff's request for an extension of time to file an amended complaint. (Dkt. No. 77.)

On July 30, 2021, Plaintiff filed her First Amended Complaint. (Dkt. No. 80.) Since that time, Defendants have served a letter on Plaintiff pursuant to Rule III(B)(ii) of the Court's Individual Practices. Furthermore, Plaintiff has served a settlement demand on the Defendants. As a result, the extension of time will allow the parties to complete the Court's required pre-motion letter exchange pursuant Rule III(B)(ii) and to permit the parties time to explore the possibility of settlement prior to engaging in costly and time consuming motion practice.

Accordingly, Defendants respectfully request an extension of time to file a letter with the Court, seeking permission to move to dismiss Plaintiff's First Amended Complaint until August 6, 2021. In addition, should the parties be unable to reach a settlement, Defendants respectfully request permission to forgo filing a pre-motion conference letter in accordance with Rule III(B)(iii) of the Court's Individual Practices and instead to file a proposed briefing schedule related to the anticipated motion to dismiss.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Joseph Zangrilli
Senior Counsel

cc: **BY ECF**
Luke Phillips, Esq.

GRANTED.

SO ORDERED.

Dated: July 21, 2021
New York, New York



ANALISA TORRES
United States District Judge